

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUKE ALDON HAYES,

Defendant.

CR 23-43-M-DWM

ORDER

The United States has filed an Unopposed Motion for a Preliminary Order of Forfeiture. (Doc. 12.) Defendant Luke Aldon Hayes appeared before the Court on October 17, 2023, and entered a plea of guilty to the Information, which charges the offense of prohibited person in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Hayes' plea provides a factual basis and cause to issue an Order of Forfeiture, pursuant to 18 U.S.C. §§ 981, 2428 and 2253(a)(1). Accordingly,

IT IS ORDERED that the motion (Doc. 12) is GRANTED.

IT IS FURTHER ORDERED that Hayes' interest in the following property is forfeited to the United States in accordance with 18 U.S.C. § 924(d):

Evidence Number	Item Description
1B1	Phalanx Defense System holster and Baldr Olight weapon light with laser
1B5	Bullet recovered at Alcom on August 9, 2023

1B6	9mm Luger FC – live round
1B7	9mm Luger GFL – spent casing
1B9	Firearm – .40 caliber G23 handgun (stainless steel barrel, black receiver, no serial number), and two empty magazines
1B10	.40 caliber ammunition taken from 1B9 (approximately 32 rounds)
1B11	Firearm – .45 caliber handgun (silver slide, black barrel, black receiver, no serial number), and empty magazine
1B12	.45 caliber ammunition taken from 1B11 (approximately 13 rounds)
1B13	Firearm – Advantage Arms Inc. .22 caliber handgun (black slide and receiver, no serial number), and empty magazine
1B14	.22 caliber ammunition taken from 1B13 (approximately 11 rounds)
1B15	Firearm – compact handgun (silver slide and barrel, black receiver, 9mm, no serial number), and empty magazine
1B16	Firearm – handgun (Holosun Optic, silver slide, black receiver, unknown caliber, no serial number)
1B17	Firearm – handgun (gold slide and barrel, black receiver, unknown caliber, no serial number)
1B18	Firearm – black 9x19mm handgun (gold barrel tip, no serial number)
1B22	Firearm – 7.62 caliber rifle with sling and optic sight (no serial number)
1B23	Two magazines each containing approximately 30 rounds of 7.62 ammunition (removed from item 1B22)
1B24	Firearm - .22 caliber rifle with optic sight (no serial number)
1B25	Magazine with approximately 20 rounds of .22 caliber ammunition (removed from item 1B24)

1B26	Firearm – 9mm rifle with optic sight (no serial number)
1B27	Magazine with approximately 31 rounds of 9mm ammunition (removed from item 1B26)
1B28	Firearm - .223 caliber rifle with optic sight (no serial number)
1B29	Magazine with approximately 60 rounds of .223 caliber ammunition (removed from item 1B28)
1B30	Firearm - .223 caliber rifle with optic sight and magnifier (no serial number)
1B31	Magazine with approximately 60 rounds of .223 caliber ammunition (recovered from item 1B30)
1B32	Firearm – .308 caliber rifle with optic sight (no serial number)
1B33	Magazine with approximately 20 rounds of .308 ammunition (removed from item 1B32)
1B34	Firearm – 9mm rifle with optic sight (no serial number)
1B35	Magazine with approximately 40 rounds of 9mm ammunition (removed from item 1B34)
1B36	Ammunition can with assorted ammunition, including approximately: 142 rounds of 5.56; 1750 rounds of .22; 50 rounds of .45; 38 rounds of .40; 350 rounds of 9mm; and 26 rounds of 410-gauge shotgun shells
1B37	Ammunition box with assorted ammunition, including approximately: 20 rounds of .308; 195 rounds of 9mm; and 50 rounds of 10mm
1B38	Six red laser bore sighters in Grips America Bag
1B39	Approximately 250 9mm round nose bullets (just bullet heads, no casings)
1B40	Advantage Arms bag with tools and three suppressors
1B41	Three magazines each containing approximately 50 rounds of .22 ammunition, two magazines each containing approximately 25 rounds of .22 ammunition, and approximately ten rounds of loose .22 ammunition

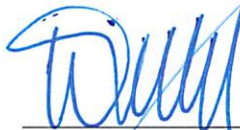
1B42	Suppressor parts
1B43	Approximately 203 small pistol primers
1B44	Flare gun (in brown bag)
1B45	13 flares
1B46	Gun parts, including stocks, barrels, grips, full auto lower parts without sears, screws, and drilling jig
1B47	Bottle with approximately one pound of smokeless powder

IT IS FURTHER ORDERED that the FBI or a designated sub-custodian is directed to seize the property subject to forfeiture and further to make a return as provided by law.

IT IS FURTHER ORDERED that the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will post on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, of the Court's preliminary order and the United States' intent to dispose of the property in such manner as the Attorney General or Secretary of the Department of Homeland Security may direct, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(n)(1), and to make its return to this Court that such action has been completed.

IT IS FURTHER ORDERED that upon adjudication of all third-party interests, if any, the Court will enter a final order of forfeiture, and in any event, this Order shall become final as to Hayes at sentencing and is incorporated into any judgment issued in this case pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A)-(B).

DATED this 17th day of October, 2023.



Donald W. Molloy, District Judge
United States District Court